

City of Killeen
Regular City Council Meeting
Killeen City Hall
June 14, 2016 at 5:00 p.m.

Presiding: Mayor Jose L. Segarra

Attending: Mayor Pro-Tem Brockley Moore, Councilmembers Jim Kilpatrick, Juan Rivera, Shirley Fleming, Gregory Johnson, and Jonathan Okray

Also attending were Interim City Manager Lillian Ann Farris, City Attorney Kathryn Davis, City Secretary Dianna Barker, and Sergeant-at-Arms Gilman.

Mr. Jones gave the invocation, and Councilmember Kilpatrick led everyone in the pledge of allegiance.

Approval of Agenda

Motion was made by Mayor Pro-Tem Moore to approve the agenda, pulling RS-16-065 and RS-16-066 from consideration. Motion seconded by Councilmember Fleming . The motion carried 6 to 0.

Minutes

Motion was made by Councilmember Kilpatrick to approve the minutes of the May 24th Regular City Council Meeting. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.

Resolutions

RS-16-058 Consider a memorandum/resolution authorizing the use of a Request for Proposal (RFP) for purchase and installation of wildlife hazard reduction equipment at Killeen-Fort Hood Regional Airport/Robert Gray Army Airfield.

Staff comments: Jim Livingston

Over the past several years, the airport and the airfield have been experiencing increased bird activity, especially on and adjacent to the runway. This increase in activity has directly led to an escalating upward trend of bird strikes. Staff recommends that the City Council find that a request for proposals method will provide the best value for the City and, further, authorize staff to utilize the RFP procurement method to identify and select the best value system from a qualified vendor for the Wildlife Hazard Reduction Equipment at the Killeen-Fort Hood Regional Airport.

Motion was made by Councilmember Rivera to approve RS-16-058. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-059 Consider a memorandum/resolution authorizing cumulative expenditures exceeding \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.

Staff comments: Michael Cleghorn

Staff recommends that City Council authorize expenditures in excess of \$50,000 for the disposal of leachate at the City's MSW Transfer Station to Magna-Flow Environmental.

Motion was made by Councilmember Kilpatrick to approve RS-16-059. Motion was seconded by Councilmember Fleming. Motion carried 6 to 0.

RS-16-060 Consider a memorandum/resolution authorizing Change Order No. 2 to Flanigan Construction, Inc. for the Bermuda/Ronstan Major CIP Phase 1.

Staff comments: Scott Osburn

The total cost of the change is a net increase in the amount of \$137,259.40 resulting in a total contract price of \$897,827.40 or a cumulative 24.23% increase to the original contract. City staff recommends the City Council authorize the City Manager to execute Change Order No. 2 with Flanigan Construction, Inc., increasing the cost of the contract by \$137,259.40.

Motion was made by Councilmember Fleming to approve RS-16-060. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-061 Consider a memorandum/resolution approving the investment report for the quarter ended March 31, 2016.

Staff comments: Jonathan Locke

Susan Anderson with Valley View Consulting briefly went over the quarterly report.

Staff recommends that the City Council approve the presented investment report for the quarter that ended March 31, 2016.

Motion was made by Mayor Pro-Tem Moore to approve RS-16-061. Motion was seconded by Councilmember Kilpatrick. Motion carried 6 to 0.

RS-16-062 Consider a memorandum/resolution to enter into an agreement with Municipal Services Bureau (MSB) - Gila LLC for collection services on delinquent accounts for Emergency Medical Services (EMS) Billing and Utility Collections.

Staff comments: Jonathan Locke

Staff recommends that the City Council approve entering into the presented agreement with Municipal Services Bureau - Gila LLC to provide collection services of delinquent accounts and that the City Manager be expressly authorized to execute any and all changes to this contract within the amounts set by state and local law.

Motion was made by Councilmember Johnson to approve RS-16-062. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-063 Consider a memorandum/resolution authorizing the purchase of Personal Protective Equipment for the Fire Department.

Staff comments: Deputy Chief Hawthorne

This request is for the purchase of 33 bunker coats, bunker pants, and bunker belts and 224 letters for marking the bunker coats. The total cost for this purchase is \$74,658.00. The Fire Department staff recommends that the City Council authorize the purchase of personal protective equipment from Casco Industries, Inc. through the remainder of their Buyboard Cooperative Contract expiring March 31, 2017.

Motion was made by Councilmember Kilpatrick to approve RS-16-063. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.

PULLED FROM CONSIDERATION

RS-16-064 Consider a memorandum/resolution authorizing the procurement of nine (9) fully-equipped police vehicles.

PULLED FROM CONSIDERATION

RS-16-065 Consider a memorandum/resolution authorizing the procurement of forty-two (42) vehicles within the FY16 Fleet Replacement Plan budget.

RS-16-066 Consider a memorandum/resolution appointing councilmembers to various Boards and Commissions.

Staff comments: Ann Farris

Several vacancies now exist due to the recent election and resignations in advance of the election. This memorandum/resolution is necessary to confirm and/or establish the membership of the Mayor/Council on the below-discussed committees. The appointments to consider are as follows:

Joint Land Use Study Policy Board

Replace Scott Cospers with Jose Segarra as Mayor.

K-T MPO Transportation Planning Committee

Replace Elizabeth Blackstone with Gregory Johnson as City Council Representative.

Replace Jose Segarra with Juan Rivera as Mayor's Designee

Motion was made by Mayor Pro-Tem Moore to approve RS-16-066. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

RS-16-067 Consider a memorandum/resolution to approve a professional services agreement with Texas Municipal League - Intergovernmental Risk Pool for worker's compensation and liability insurances.

Staff comments: Kate McDaniel

It is recommended that City Council approve the selection of Texas Municipal League - Intergovernmental Risk Pool as the continued provider for the aforementioned lines of insurance, effective October 1, 2016, and authorize the City Manager to execute any and all necessary change orders in accordance with state and local law.

Motion was made by Councilmember Fleming to approve RS-16-067. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 0.

RS-16-068 Consider a memorandum/resolution establishing the renewal rates for group employee medical and dental insurance benefits.

Staff comments: Ann Farris

Staff recommends City Council choose the renewal of Scott and White Health Plan as the provider for employee medical insurance to the Employee Benefit Trust and authorize the City Manager to execute an agreement with Scott and White Health Plan for medical

insurance effective October 1, 2016, and that the City Manager be authorized to execute any necessary change order in accordance with state and local law.

Staff also recommends City Council choose the renewal of MetLife as the provider for employee dental insurance to the Employee Benefit Trust and authorize the City manager to execute an agreement with MetLife for dental insurance effective October 1, 2016, and that the City Manager be authorized to execute any necessary change order in accordance with state and local law.

Motion was made by Councilmember Rivera to approve RS-16-068. Motion was seconded by Mayor Pro-Tem Moore. Motion carried 6 to 0.

RS-16-069 Consider a memorandum/resolution appointing a Councilmember for District #2.

Staff comments: Ann Farris

The person selected to fill the vacancy in District #2 will complete the remaining term of office, which will be from the date of the appointment to the election in May 2017. That the City Council approve the appointment of _____ as City of Killeen Councilmember to complete the remaining term for District #2.

Mayor Segarra opened the floor for nominations:

Councilmember Kilpatrick nominated Debbie Nash-King. Councilmember Rivera seconded that nomination.

Councilmember Okay nominated Richard Young. Councilmember Fleming seconded that nomination.

Upon a call for a vote from the council, Debbie Nash-King received two votes and Richard Young received four votes.

Motion was made by Councilmember Okray to approve RS-16-069 appointing Richard Young to fill the unexpired District 2 Councilmember seat. Motion was seconded by Councilmember Fleming. Motion carried 4 to 2 with Councilmember Kilpatrick and Councilmember Rivera opposing.

RS-16-070 Consider a memorandum/resolution granting KISD a temporary exception from City of Killeen Ordinance requirement that fire hydrants be installed prior to construction above the foundation.

Staff comments: Dr. Craft, KISD Superintendent

KISD is requesting that the City Council grant an exception, based on public necessity, until August 1, 2016, from the requirements of sections 11-113(n) and 26-84(b), which require fire hydrants be installed before construction permits can be issued and construction above the foundation commence, as well as relief from the appeals process contained in the Code.

In order to mitigate any dangers that may arise as a result of the absences of working fire hydrants, Cloud Construction has agreed as follows:

- To release and indemnify the City of Killeen from liability for fire damage to the structure, as well as from any damage or harm to any person or property that may arise as a result of this temporary relief;
- To comply with all-weather access road requirements;
- To install only noncombustible materials;
- Not to commence with any roof/floor deck that will create confined spaces; and
- To have portable fire extinguishers on site while working.

Staff recommends that Council consider the request to grant relief to KISD and Cloud Construction, and, if granted, that such relief be conditioned upon Cloud Construction's compliance with the bulleted items, above.

Motion was made by Councilmember Kilpatrick to approve RS-16-070. Motion was seconded by Councilmember Rivera. Motion carried 6 to 0.

Ordinances

OR-16-008 Consider an ordinance amending fees for room rental rates at the Killeen Community Center.

Staff comments: Brett Williams

The purpose of the revised fee structure is to address the various types of groups and meetings that may be hosted at the facility and to ensure that the Community Center remains a viable meeting facility for many years. It also establishes a system of accountability. Staff recommends City Council approve an ordinance amending Chapter 2, Article VI, of the City of Killeen Code of Ordinances, by amending Section 2-150 (j) Parks, as it relates to rental rates for the Killeen Community Center.

Motion was made by Councilmember Rivera to approve OR-16-008. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

OR-16-009 Consider an ordinance granting a gas franchise to Atmos Energy Corporation. (1st of 3 readings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE GRANTING TO ATMOS ENERGY CORPORATION, A TEXAS AND VIRGINIA CORPORATION, ITS SUCCESSORS AND ASSIGNS, A FRANCHISE TO CONSTRUCT, MAINTAIN, AND OPERATE PIPELINES AND EQUIPMENT IN THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FOR THE TRANSPORTATION, DELIVERY, SALE, AND DISTRIBUTION OF GAS IN, OUT OF, AND THROUGH SAID CITY FOR ALL PURPOSES; PROVIDING FOR THE PAYMENT OF A FEE OR CHARGE FOR THE USE OF THE PUBLIC RIGHTS-OF-WAYS; AND PROVIDING THAT SUCH FEE SHALL BE IN LIEU OF OTHER FEES AND CHARGES, EXCEPTING AD VALOREM TAXES; AND REPEALING ALL PREVIOUS GAS FRANCHISE ORDINANCES.

Staff comments: Traci Briggs

In 1996, the City granted a twenty-year gas franchise to Lone Star Gas. Lone Star's successor, Atmos Energy Corporation, seeks to establish a new franchise upon the expiration of the current franchise later this year. The franchise term is proposed to be fifteen (15) years, with an automatic five-year (5) renewal unless notice to terminate or renegotiate is given by either party 120 days before expiration. The City Charter requires three (3) readings of a franchise ordinance, and the last reading must be not less than 30 days from the first. The three readings will be June 14, July 12, and July 26. A franchise does not take effect until 60 days after passage. It is proposed that this ordinance be effective October 1, 2016.

Staff recommends the City Council approve the proposed franchise ordinance.

Motion was made by Mayor Pro-Tem Moore to approve the first reading of OR-16-009. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

Public Hearings

PH-16-019 HOLD a public hearing and consider an ordinance requested by CPB Investments (Case #Z16-07) to rezone approximately 3.0831 acres, being part of the T. Robinett Survey, Abstract No. 686, from “A-R1” (Agricultural Single-Family Residential District) to “B-2” (Local Retail District) for a Texas Department of Public Safety customer service office.

The City Secretary read the caption of the ordinance.

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF KILLEEN BY CHANGING THE ZONING OF CERTAIN PROPERTY OUT OF THE CITY OF KILLEEN, BELL COUNTY, TEXAS, FROM A-R1 (AGRICULTURAL SINGLE-FAMILY RESIDENTIAL DISTRICT) TO B-2 (LOCAL RETAIL DISTRICT); PROVIDING A SAVINGS CLAUSE; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR AN EFFECTIVE DATE.

Staff comments: Tony McIlwain

The purpose of this request is to construct a new DPS office due to closing the current DPS office building on Priest.

Staff notified three (3) surrounding property owners regarding this request. Staff has received no responses.

The Planning & Zoning Commission recommended approval of “B-2” zoning by a vote of 5 to 0, with Commissioner Johnson abstaining from voting on the applicant’s request.

Mayor Segarra opened the public hearing.

DPS representative answered questions from council giving an overview on the criteria of how they determine the best locations to build.

AnaLouisa Carrillo-Tapia, address on file (law official) – spoke against the request, concerned about congestion.

Carl Pruitt, 3400 Northcrest Dr. – spoke against the request, concerned about traffic safety.

Rev. Roy T. Samp, 4706 Teal Dr. – spoke against the request, concerned about traffic safety.

With no one else appearing the public hearing was closed.

Councilmember Okray and Councilmember Johnson made a statement for the record. See attached.

Motion was made by Councilmember Rivera to approve PH-16-019. Motion was seconded by Councilmember Kilpatrick. Motion carried 5 to 1 with Councilmember Johnson opposing.

PH-16-020 HOLD a public hearing and consider an ordinance adopting the 2016-2017 Annual Action Plan describing use of funds and authorizing application for and allocation of Community Development Block Grant (CDBG) and Home Investment Partnerships (HOME) program funds. (First of Two Public Hearings)

The City Secretary read the caption of the ordinance.

AN ORDINANCE AUTHORIZING SUBMITTAL OF THE 2016-17 ANNUAL ACTION PLAN DESCRIBING THE USE OF FUNDS AND AUTHORIZING THE APPLICATION FOR AND ALLOCATION OF \$907,931.00 IN FY 2016-17 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$937,350.53 OF CDBG FUNDS; AND THE APPLICATION OF \$311,289.00 IN HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS AND THE USE OF PRIOR YEAR PROGRAM INCOME AND PRIOR YEAR REPROGRAMMABLE FUNDS FOR A TOTAL EXPENDITURE OF \$527,254.39 OF HOME FUNDS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

Staff comments: Leslie Hinkle

The CDAC met on May 4 and May 5, 2016 to review and make recommendations for proposed use of 2016-2017 CDBG and HOME Program funds on the basis of eligibility, need and priority. Projects undertaken with CDBG and HOME Program funds address goals and objectives established in the Consolidated Strategic Plan and Annual Action Plan to meet affordable housing and community development needs. This item requires two public hearings.

Mayor Segarra opened the public hearing.

Maureen Jouett, 2310 Davis – spoke in favor of the recommendations and gave an overview of what her organization does.

With no one else appearing the public hearing was closed.

Motion was made by Mayor Pro-Tem Moore to approve the first reading of PH-16-020. Motion was seconded by Councilmember Okray. Motion carried 6 to 0.

Adjournment

With no further business, upon motion being made by Councilmember Rivera, seconded by Councilmember Okray, and unanimously approved, the meeting was adjourned at 7:22 p.m.

Jose L. Segarra, Mayor

Dianna Barker, City Secretary